

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION CINCINNATI**

GARY SMITH,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No.1:17-CV-00839-MRB

Judge Michael R Barrett

ORDER

This matter is before the Court on the magistrate judge's report (Doc. 14) recommending that Defendant's decision be found to be supported by substantial evidence and affirmed, and that this case be closed. Plaintiff timely filed an objection (Doc. 15), and Defendant filed a response. (Doc. 16). This matter is ripe for disposition.

The factual and procedural background of this case was recited by the magistrate judge, and will not be restated here. Plaintiff objects that the ALJ's residual functional capacity determination was based upon a legally improper weighing of the medical opinion evidence, in which the opinions of Plaintiff's treating physicians were unduly discounted; and, according to Plaintiff, the magistrate judge gave the ALJ a "pass." (Doc. 15, PageID 1028). The Court disagrees. The magistrate judge performed a well-reasoned analysis before recommending that ALJ's decision be affirmed. (Doc. 14, PageID 1015-22). The Court is not persuaded that the magistrate judge's failure to cite *Gayheart v. Commissioner*, 710 F.3d 365 (6th Cir. 2013)

demonstrates a faulty analysis. Regardless of whether it was cited, the ALJ's analysis complied with the Sixth Circuit's directives in *Gayheart*.

Therefore, consistent with the above, the magistrate judge's report and recommendation (Doc. 14) is **ADOPTED**. Defendant's decision is **AFFIRMED**, and this case is **CLOSED**.

IT IS SO ORDERED.

s/Michael R. Barrett

Hon. Michael R. Barrett
United States District Judge